



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 26, 1996

Mr. John S. Schneider, Jr.  
Assistant City Attorney  
City of Pasadena  
P.O. Box 672  
Pasadena, Texas 77501

OR96-0420

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39223.

The City of Pasadena received a request for information that would disclose the identity of the individual who complained to the city's health department about the presence of trash and debris at a certain Pasadena address. You assert that such information is excepted from required public disclosure based on section 552.101 of the Government Code in conjunction with the informer's privilege.

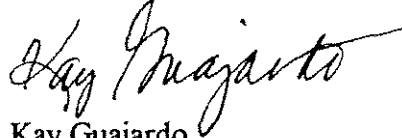
Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law, either by statute, the constitution, or by judicial decision. Thus, the exception incorporates judicial decisions that recognize a governmental body's privilege to withhold an informant's identity. *See Roviato v. United States*, 353 U.S. 53, 59 (1957). This office applies the informer's privilege aspect of section 552.101 to protect the identity only of a person who reports a violation or possible violation of the law to officials charged with the duty of enforcing the particular law. *See Open Records Decision No. 515 (1988)*. The purpose of the privilege is to encourage persons to report possible misconduct and to protect informants from fear of retaliation. *See Open Records Decision No. 377 (1983)*.

You inform us that the complainant reported a possible violation of several city ordinances. Consequently, we agree that the informer's privilege applies in this case. *See Open Records Decision No. 355 (1982)*. Accordingly, the city may withhold from

required public disclosure all information that identifies the complainant based on the informer's privilege aspect of section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/ch

Ref.: ID# 39223

Enclosures: Submitted documents

cc: Mr. Jay Hall  
1207 Madison Avenue  
Pasadena, Texas 77502  
(w/o enclosures)